

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN NUCKOLS, *pro se*,

Case No. 07-14225

Plaintiff,

HONORABLE ARTHUR J. TARNOW  
UNITED STATES DISTRICT JUDGE

v

SIXTH JUDICIAL CIRCUIT COURT OF  
OAKLAND COUNTY, MICHIGAN,

STEVEN D. PEPE  
MAGISTRATE JUDGE

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [DE 9]**

Before the Court is Plaintiff's Motion for Summary Judgment [DE 9]. This motion was filed November 30, 2007, one day after the Court entered an order dismissing the case. Accordingly, Plaintiff's motion will be reviewed as a motion for reconsideration.

The Court dismissed the case for a failure to show cause, because the action is barred by Eleventh Amendment immunity and jurisdictional grounds. The criteria to evaluate a motion for reconsider are found in Local Rule 7.1, Motion Practice. It states in pertinent part that

the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

L.R. 7.1(g)(3).

Plaintiff's motion reiterates the facts alleged in his Complaint: that individuals in the Oakland County, Michigan, Circuit Court were grossly negligent and that their acts and omissions rose to violations of 42 U.S.C.A. § 1981, 1983, and 1985. He has re-formatted his Complaint into spreadsheet form, but in fact, the factual allegations are the same. Plaintiff has "merely present[ed] the same issues ruled upon by the court."

Plaintiff has demonstrated no defect which undermines this Court's ruling. Nor has he demonstrated any grounds that would result in a different disposition of this case. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary judgment [DE 9] be DENIED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow  
United States District Judge

Dated: December 14, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 14, 2007, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager